

STATE OF CONNECTICUT

Regulation of Environmental Protection

Section: 1

Attachment A

Section 1. Section 22a-174-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Section 22a-174-1. Definitions.

Except as may otherwise be provided, as used in Sections 22a-174-1 to 22a-174-200, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Act” means the Federal Clean Air Act, 42 USC sections 7401 to 7671q and Public Law 101-549.
- (2) “Actual emissions” has the same meaning as in 40 CFR 51.165(a)(1)(xii)(A) to (E), inclusive.
- (3) “Administrator” means the Administrator of the United States Environmental Protection Agency.
- (4) * * *
- (5) “Air pollutant” means dust, fumes, mist, smoke, other particulate matter, vapor, gas, aerosol, odorous substances, or any combination thereof, but does not include carbon dioxide except in accordance with regulations adopted pursuant to sections 22a-174d or 22a-174j of the Connecticut General Statutes, uncombined water vapor or water droplets, or molecular oxygen expressed as O₂ or nitrogen.
- (6) “Air pollution” means the presence in the ambient air of one or more air pollutants or any combination thereof in such quantities and of such characteristics and duration as to be, or likely to be, injurious to public welfare or the environment, to the health of human, plant or animal life, or to property, or as unreasonably to interfere with the enjoyment of life and property.
- (7) “Air pollution control equipment” means any equipment which is designed to reduce emissions of air pollutants from a stationary source.

- (8) “Allowable emissions” means “allowable emissions” as defined in 40 CFR 51.165(a)(1)(xi).
- (9) “Ambient air” means that portion of the atmosphere, external to buildings, to which the general public has access.
- (10) “AAQS” or “Ambient Air Quality Standard” means any standard which establishes the largest allowable concentration of a specific pollutant in the ambient air of a region or subregion as established by the United States Environmental Protection Agency or by the Commissioner and which is listed in section 22a-174-24 of the Regulations of Connecticut State Agencies.
- (11) “Architectural coating” means a coating used for residential or commercial buildings and their appurtenances, or industrial buildings, or other outdoor structures.
- (12) “Attainment” means that the quality of the ambient air, as determined by the Administrator, meets the Ambient Air Quality Standards for a given air pollutant.
- (13) “Attainment area” means a geographic area which has been designated by the Administrator as attainment pursuant to 40 CFR 81 in accordance with the provisions of 42 USC 7407.
- (14) “Baseline concentration” means “baseline concentration” as defined in 40 CFR 51.166(b)(13)(i) to (ii)(b), inclusive.
- (15) “Best Available Control Technology” or “BACT” means an emission limitation, including a limitation on visible emissions, based upon the maximum degree of reduction for each applicable air pollutant emitted from any proposed stationary source or modification which the Commissioner, on a case-by-case basis, determines is achievable in accordance with section 22a-174-3a of the Regulations of Connecticut State Agencies. BACT may include, without limitation, the application of production processes, work practice standards or available methods, systems, and techniques, including fuel cleaning or treatment, the use of clean fuels, or innovative techniques for the control of such air pollutant.
- (16) “Begin actual construction” means “begin actual construction” as defined in 40 CFR 51.165(a)(1)(xv).
- (17) “BTU” means British Thermal Unit, which is the amount of heat required to raise the temperature of one pound of water one degree Fahrenheit.
- (18) * * *

(19) “CFR” means the Code of Federal Regulations.

(20) * * *

(21) “Commence operation” means the owner or operator of the stationary source has begun, or caused to begin, any activity which has the potential to emit any air pollutant.

(22) “Commence construction” means that the owner or operator of the proposed stationary source or proposed modification to a stationary source has all necessary permits or approvals required pursuant to the Act, any regulations adopted thereunder and section 22a-174-1, et seq. of the Regulations of Connecticut State Agencies, and has either:

(A) Begun, or caused to begin, a continuous program of physical on-site construction of the source, subject to the permit issued by the Commissioner, without any breaks in such construction of more than eighteen months; or

(B) Entered into binding agreements or contractual obligations to undertake actual construction of the source within a reasonable time, which cannot be canceled or modified without substantial economic loss to the owner or operator.

(23) “Commissioner” means the Commissioner of Environmental Protection, or any member of the Department or any local air pollution control official or agency authorized by the Commissioner, acting singly or jointly, to whom the Commissioner assigns any function arising under the provisions of these regulations.

(24) “Construction” means “construction” as defined in 40 CFR 51.165 (a)(1)(xviii).

(25) “CEM” or “Continuous Emission Monitoring” means a system for continuously measuring the emissions of any pollutant from a stationary source.

(26) “CERC” or “Continuous Emission Reduction Credit” means a real, quantifiable, surplus, permanent and enforceable reduction of an air pollutant at a source which is:

(A) Certified by the Commissioner through a SIP approved plan; and

(B) Generated over an uninterrupted period of time in increments of one ton of a specified air pollutant.

(27) “Criteria air pollutant” means any air pollutant for which an ambient air quality standard has been established by the Administrator in accordance with Section 107 of the Act.

- (28) “Department” means the Department of Environmental Protection.
- (29) * * *
- (30) “Discharge point” means any stack or area from which a hazardous air pollutant is released into the ambient air .
- (31) “Dispersion technique” means “dispersion technique” as defined in 40 CFR 51.100(hh).
- (32) “DERC” or “Discrete Emission Reduction Credit” means the real, quantifiable, surplus, permanent, and enforceable reduction of an air pollutant at a source, which is:
- (A) Certified by the Commissioner through a SIP approved plan; and
 - (B) Generated during a specified period of time.
- (33) “Emission” means the release or discharge of an air pollutant into the ambient air from any source.
- (34) “Emission limitation” and “Emission standard” means “emissions limitation” and “emission standard” as defined in 40 CFR 51.100(z).
- (35) “Emission unit” means “emission unit” as defined in 40 CFR 51.165(a)(1)(vii).
- (36) “ERC” or “Emission Reduction Credit” means real, quantifiable, surplus, permanent, and enforceable reductions of air pollutant emissions from a source, when such reductions are certified by the Commissioner through a SIP approved plan and recorded as CERCS or DERCS.
- (37) “Excessive concentration” means ”excessive concentration” as defined in 40 CFR 51.000(kk).
- (38) “Federally enforceable” means ”federally enforceable as defined in 40 CFR 51.165(a)(1)(xiv),
- (39) “Flare” means an apparatus, device, process, or procedure for the burning of flammable gases or vapors at or near the exit of a stack, flue or vent.
- (40) “Fuel-burning equipment” means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power.
- (41) “Fugitive dust” means solid airborne particulate matter emitted from any source

other than through a stack.

(42) “Fugitive emissions” means fugitive dust or those emissions that cannot reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(43) “Good Engineering Practice (GEP) stack height” means “good engineering practice (GEP) stack height” as defined in 40 CFR 51.100(ii).

(44) * * *

(45) * * *

(46) “Heat input” means the total gross calorific value of all fuels burned, measured in BTU by ASTM Method D2015-66, D240-64, or D1826-64, using the highest heating value of each fuel.

(47) “Incinerator” means any device, apparatus, equipment, slab, or structure used for destroying, reducing, or salvaging, by fire or heat, any material or substance including, but not limited to, refuse, rubbish, garbage, trade waste, debris or scrap; or facilities for cremating human or animal remains provided that, for the purposes of this definition, sources combusting the following used oil types are not incinerators:

(A) Used oil meeting the specifications of 40 CFR 279.11; or

(B) Used oil burned in space heaters meeting the requirements of 40 CFR 279.23.

(48) “Indian Governing Body” has the same meaning as in 40 CFR 51.166(b)(28).

(49) “Indian Reservation” means “Indian Reservation” as defined in 40 CFR 51.166(b)(27).

(50) “Indirect source” means any building, structure, facility installation, or combination thereof, that has or leads to associated activity as a result of which an air pollutant is or may be emitted. Indirect sources include, but are not limited to: shopping centers, sports complexes, drive-in theaters or restaurants, parking lots or garages, residential, commercial, industrial or institutional buildings or developments, amusement parks and other recreational areas, highways, and airports.

(51) “Indirect source construction permit” means a permit issued by the Commissioner authorizing the construction of an indirect source

(52) “Innovative control technology” means “innovative control technology” as defined in 40 CFR 51.166 (b)(19).

(53) “Internal offset” means any federally enforceable reduction of actual emissions from one or more stationary sources on the same premises which are used to offset potential emissions increases from a proposed stationary source on such premises in accordance with the provisions of section 22a-174-3a(1) of the Regulations of Connecticut State Agencies.

(54) “LAER” or “Lowest Achievable Emission Rate” means “lowest achievable emission rate” as defined in 40 CFR 51.165(a)(1)(xiii).

(55) “Major modification” means “major modification” as defined in 40 CFR 51.165(a)(1)(v), provided that, for the purposes of this definition, the term “significant” has the same meaning as in 40 CFR 51.166(b)(23)(i) and:

(A) The values for nitrogen oxides as an ozone precursor and volatile organic compounds are each twenty-five (25) tons per year, and

(B) Asbestos, beryllium and vinyl chloride are excluded.

(56) “Major source baseline date” means January 6, 1975 for particulate matter and sulfur dioxide and February 8, 1988 for nitrogen dioxide.

(57) “Major stationary source” means “major stationary source” as defined in 40 CFR 51.165(a)(1)(iv), provided that:

(A) A stationary source that emits or has the potential to emit twenty-five (25) tons per year of volatile organic compounds or nitrogen oxides as an ozone precursor in any severe ozone nonattainment area is a major stationary source, and

(B) A stationary source that emits or has the potential to emit fifty (50) tons per year of volatile organic compounds or nitrogen oxides as an ozone precursor in any serious ozone nonattainment area is a major stationary source.

(58) “Malfunction” means “malfunction” as defined in 40 CFR 60.2.

(59) “MACT” or “Maximum Achievable Control Technology” means a method of achieving an emission limitation or reducing the emission of hazardous air pollutants as determined by the Commissioner pursuant to section 22a-174-33(e) of the Regulations of Connecticut State Agencies or by the Administrator pursuant to 40 CFR 63.

(60) * * *

(61) “Maximum capacity” means the design maximum hourly capacity of a stationary source or highest demonstrated hourly capacity of a stationary source, whichever is greater, multiplied by 365 days per year and 24 hours per day, or some other time period

as may be accepted by the Commissioner.

(62) “Maximum uncontrolled emissions” means the rate of emissions for a source, determined without the application of air pollution control equipment unless the source is incapable of being operated without the air pollution control equipment, of a particular air pollutant where such rate is calculated using:

(A) The maximum capacity of the source unless the Commissioner determines that the source is physically unable to operate at that capacity or unless the maximum capacity is limited by restrictions on production rates, hours of operation, or types of materials processed, stored or combusted either through permit conditions or other order of the Commissioner; and

(B) Information from the Compilation of Air Pollutant Emission Factors (AP-42) published by the U. S. Environmental Protection Agency, relevant source test data or other information deemed more representative by the Commissioner.

(63) “Minor permit modification” means a change to a permit that is required for the permittee to lawfully engage in any of the activities or proposed activities at a stationary source as identified in section 22a-174-2a(e) of the Regulations of Connecticut State Agencies.

(64) “Minor source” means any stationary source which emits, and has the potential to emit, pollutants at rates or in amounts lower than those specified in subdivision (57) of this subsection.

(65) “Minor source baseline date” means June 7, 1988 for particulate matter, December 17, 1984 for sulfur dioxide and June 7, 1988 for nitrogen dioxide.

(66) “Mobile source” means a source designed or constructed to move from one location to another during normal operation except portable equipment and includes, but is not limited to, automobiles, buses, trucks, tractors, earth moving equipment, hoists, cranes, aircraft, locomotives operating on rails, vessels for transportation on water, lawnmowers, and other small home appliances.

(67) “Modification” or “modified source” means with respect to a stationary source, any physical change or change in the method of operation that would result in an exceedance of the allowable emissions of any individual air pollutant, any increase in the maximum capacity, or any potential emissions of any individual air pollutant not previously emitted, except that:

(A) Routine maintenance, repair or replacement at a stationary source shall not be considered a physical change; and

(i) Any increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility and such increase does not cause or allow an exceedance of the rates or emission limits authorized by a permit, order, or judgement for such source, or

(ii) Any increase in hours of operation and such increase does not cause or allow an exceedance of the rates or emission limits authorized by a permit, order, or judgement for such source.

(68) “Monitoring” means any action or procedure that is used to determine actual emissions from a stationary source or compliance with the requirements of any permit, order, statute or regulation.

(69) “Multiple-chamber incinerator” means any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning and which consists of two or more refractory lined combustion furnaces in a series, physically separated by refractory walls and interconnected by gas passage ports or ducts that employs adequate design parameters necessary for maximum combustion of the material to be burned.

(70) “Net emissions increase” means “net emissions increase” as defined in 40 CFR 51.165 (a)(1)(vi) provided that:

(A) For the purposes of this definition, the phrase “this section” found in 40 CFR 51.165(a)(1)(vi)(C)(2) refers to sections 22a-174-3a(k) and (1) of the Regulations of Connecticut State Agencies, and

(B) Any increases or decreases in actual emissions at a stationary source are creditable only if such increases or decreases occurred within the previous five (5) years of the present modification.

(71) “Nitrogen oxides” or “NO_x” means the sum of all oxides of nitrogen, expressed as nitrogen dioxide.

(72) “Non-attainment” means that the quality of the ambient air, as measured by the Commissioner, fails to meet any Ambient Air Quality Standard for a given pollutant for which such standards have been established by the United States Environmental Protection Agency.

(73) “Non-attainment air pollutant” means the particular air pollutant for which an area is designated as a non-attainment area, except that volatile organic compounds and nitrogen oxides are non-attainment air pollutants for ozone non-attainment areas.

(74) “Non-attainment area” means a geographic area which has been designated as non-

attainment pursuant to 40 CFR 81 in accordance with the provisions of 42 USC 7407 (section 107 of the Act).

(75) “Non-minor permit modification” means a change to a permit that is required for the permittee to lawfully engage in any of the activities or proposed activities at a stationary source as identified in section 22a-174-2a(d) of the Regulations of Connecticut State Agencies.

(76) “Offset fill pipe” means a fill pipe that has bends or angles such that a straight sleeve cannot be installed.

(77) “Opacity” means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(78) “Open-burning” means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack or flue.

(79) “Operator” means the person or persons who are legally responsible for the operation of a source of air pollution.

(80) “Organic compounds” means any chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(81) “Particulate matter” or “PM” means any material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid in the ambient air.

(82) “PM 2.5” means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method set forth in 40 CFR 50, Appendix L, and designated as a reference method in accordance with 40 CFR 53 or by an equivalent method approved by the Administrator in accordance with 40 CFR 53.

(83) “PM 10” means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method set forth in 40 CFR 50, Appendix M, and designated as a reference method in accordance with 40 CFR 53 or by an equivalent method approved by the Administrator in accordance with 40 CFR 53.

(84) “Permit” means any license issued pursuant to Chapter 446c of the Connecticut General Statutes.

(85) “Person” means "person" as defined in section 22a-170 of the Connecticut General Statutes.

(86) "Potential emissions" or "potential to emit" means the maximum capacity of a stationary source, including all physical and operational limitations, to emit any air pollutant, including fugitive emissions to the extent quantifiable, provided that:

(A) Any physical limitation on such capacity, not including air pollution control equipment, shall be treated as part of the stationary source as determined by the Commissioner or administrator; and

(B) Any operational limitation on such capacity, including air pollution control equipment, or a restriction on the hours of operation or on the type or amount of material processed, stored or combusted, shall be treated as part of the stationary source if the limitation or restriction is practicably enforceable.

(87) "Practicably enforceable" means :

(A) Any federally enforceable emission limitation or restriction on potential emissions; or

(B) Any emission limitation or restriction on the potential emissions set forth in a permit, order, regulation or statute issued or administered by the Commissioner, provided such emission limitation or operational restriction:

(i) Identifies the subject stationary source or category of stationary source,

(ii) Specifies an emission limitation using a short term emissions rate for such stationary source expressed in pounds per hour, pounds per unit of production or concentration levels sufficient to calculate the actual emissions from such stationary source or specifies an operational restriction for such stationary source such as hours of operation or fuel use restrictions sufficient to calculate the actual emissions from such source,

(iii) Specifies appropriate monitoring to determine compliance with such emission limitation or restriction specified in accordance with subparagraph (ii) of this subdivision provided that if a twelve month rolling average is selected, the monitoring shall be CEM or equivalent, and

(iv) If an emission limitation or operational restriction is required to demonstrate that a state or federal standard does not apply, such emission limitation or restriction shall be calculated in accordance with subparagraph (ii) of this subdivision and expressed using the shortest technically and economically feasible averaging period, in no case longer than a twelve month rolling average. If a twelve month rolling average is selected, the monitoring shall be CEM or equivalent.

(88) “Premises” means the grouping of all stationary sources at any one location and owned or under the control of the same person or persons.

(89) “Process changes to control air pollution” means any modification that alters or implements production processes or available methods, including fuel switching, systems, techniques, work practice standards, operational standards or a combination thereof which is designed and implemented for the primary purpose of reducing emissions of air pollutants from a stationary source.

(90) “Process source” means any operation, process, or activity except:

(A) The burning of fuel for indirect heating in which the products of combustion do not come in contact with process material;

(B) The burning of refuse; and

(C) The processing of salvageable material by burning.

(91) “Reasonably Available Control Technology” or “RACT” means the lowest emission limitation that a particular stationary source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

(92) “Reconstruct” or “reconstruction” means the renovation or re-building of a stationary source in accordance with the provisions of 40 CFR 60.15. A reconstructed stationary source shall be considered a new stationary source. The use of an alternative fuel or raw material by reason of an order in effect pursuant to sections 2(a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974, or superseding legislation, or by reason of a Natural Gas Curtailment Plan pursuant to the Federal Power Act, or by reason of an order or rule pursuant to section 125 of the Clean Air Act, shall not be considered reconstruction.

(93) “Region” means a Connecticut intrastate Air Quality Control Region or the Connecticut portion of an interstate Air Quality Control Region as defined by the EPA in 40 CFR 81.

(94) “Residual oil” means any fuel oil of No. 4, No. 5, or No. 6 grades, as defined by Commercial Standard C.S. 12-48.

(95) “Resources recovery facility” means “resources recovery facility” as defined in section 22a-207(9) of the Connecticut General Statutes.

(96) “Ringelmann chart” means the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

- (97) “Secondary emissions” mean “secondary emissions” as defined in 40 CFR 51.165(a)(1)(viii).
- (98) “Serious non-attainment area for ozone” means all towns within the State of Connecticut, except those towns located in the severe non-attainment area for ozone.
- (99) “Severe non-attainment area for ozone” means the towns of Bethel, Bridgeport, Bridgewater, Brookfield, Danbury, Darien, Easton, Fairfield, Greenwich, Monroe, New Canaan, New Fairfield, New Milford, Newtown, Norwalk, Redding, Ridgefield, Sherman, Stamford, Stratford, Trumbull, Weston, Westport and Wilton.
- (100) “Solid waste” means unwanted or discarded materials, including solid, liquid, semisolid, or contained gaseous material.
- (101) “Source” means any property, real or personal, which emits or may emit any air pollutant.
- (102) “Stack” means "stack" as defined in 40 CFR 51.100 (ff), provided that stack shall also include a flare.
- (103) “Standard conditions” means a dry gas temperature of 68 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute (20 degrees C, 760 mm Hg).
- (104) “State” as used in the phrase "any other state" means state, region, territory, commonwealth, military reservation, or Indian reservation.
- (105) “State Implementation Plan” or “SIP” means a plan required by section 110 of the Act which has been approved by the Administrator.
- (106) “Stationary source” means "stationary source" as defined in 40 CFR 51.165(a)(1)(i) and (ii), provided that any portable emissions unit which is moved from site to site but remains stationary during operation is a stationary source.
- (107) “Stripping facility” means any stationary source, except air pollution control equipment, the primary purpose of which is to remove organic compounds from water, soil or any other material.
- (108) “Submerged fill pipe” means any fill pipe the discharge opening of which remains entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.
- (109) “Subregion” means a subdivision of a Region, as determined by the Commissioner.
- (110) “Tank” means any vessel for containing liquids or gases.

(111) * * *

(112) * * *

(113) “Total suspended particulate” means particulate matter as measured by the method described in 40 CFR 50, Appendix B.

(114) “Unclassifiable area” means a geographic area which has not been designated either as an attainment area or a nonattainment area pursuant to 40 CFR 81 in accordance with the provisions of section 107 of the Clean Air Act.

(115) “Volatile organic compound” or “VOC” means “volatile organic compound” as defined in 40 CFR 51.100(s), as amended from time to time.

(116) “Waste water separator” means any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or another container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.